

Granted.

8:49 AM, Feb 23, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO



DAVID DURHAM : CASE NO. 1:18-CV-00091-SJD-KLL
Plaintiff. : JUDGE MATTHEW W. McFARLAND
v. : MAGISTRATE KAREN L. LITKOVITZ
DET. JERRY NIFFENEGGER, et al. :
Defendants. :

**DEFENDANTS' MOTION FOR 60-DAY EXTENSION OF EXPERT WITNESS
DISCLOSURE, DISCOVERY, AND DISPOSITIVE MOTION DEADLINES**

Now come the Defendants, by and through counsel, and request a 60-day extension of the expert disclosure and discovery, and a 90-day extension of the dispositive motion deadline. A brief memorandum in support is attached.

Respectfully Submitted,

/s/ Grant J. Bacon

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Memorandum in Support

Defendants recently requested a 45-day extension to disclose an expert witness and produce an expert report. (ECF Doc 71). At the time, Defendants had only recently been able to obtain the deposition testimony of Plaintiff David Durham on December 3, 2020. (ECF Doc. 70). During his deposition, Plaintiff Durham provided extensive testimony regarding his medical conditions which he claims are a result of the allegations contained in the Complaint. Defendants quickly undertook a search for a medical expert who could review available medical records as well as deposition testimony and render an opinion on the medical issues in this case. As consultations with experts have progressed, it has become clear than an independent medical examination (IME) of the Plaintiff is necessary to fully address the medical issues in this case, which was not initially anticipated.

As a result, Defendants respectfully request a 60-day extension of the Defendants' expert witness disclosure deadline to provide sufficient time for an IME to be conducted, relevant medical records and deposition testimony to be reviewed, and for a report to be drafted.

Trial has not yet been scheduled in this case. The parties are working diligently to move the case forward. The Parties have exchanged written discovery, gathered to conduct document review of tens of thousands of Plaintiff's business records, and have completed Plaintiff's deposition and Defendants Purdy and Niffenegger's depositions. Because a 60-day extension would set the expert witness disclosure deadline for May 2, 2021, two weeks before the current discovery and dispositive motion deadline on May 14, 2021, Defendants also respectfully request a corresponding 60-day extension of the discovery deadline to enable Plaintiff to depose Defendants' expert, if needed, and enable parties to complete needed fact witness discovery. Finally, Defendants respectfully request a 90-day extension of the dispositive motion deadline to enable sufficient time to fully brief the issues in this case following the close of discovery.



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Respectfully submitted,

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CERTIFICATE OF SERVICE

This certifies that the foregoing was filed electronically this 22nd day of February 2021. Notice of this filing will be sent to all counsel by operation of the Court's electronic filing system, as certified by the Court's Certificate of Service generated upon filing.

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